

Message Text

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SUBJECT: NMFP: F-16: LEGAL STATUS OF CONSORTIUM PERSONNEL

REF: STATE 196882

1. BRUSSELS 6787 PROVIDED OUR VIEW BASED ON DISCUSSIONS WITH SECRETARY SHRONTZ AND US F-16 PROGRAM PERSONNEL THAT ESPO PERSONNEL WOULD HAVE MOST FAVORABLE STATUS BY RECEIVING STATUS OF NON-DIPLOMATIC LIST PERSONNEL (ATTACHED TO EMBASSY AS STAFF PERSONNEL). BRUSSELS 6364 (NOTAL) EXPLAINED THAT STAFF PERSONNEL (NON-DIPLOMATIC LIST PERSONNEL) BENEFITTED FROM ALL PRIVILEGES AND IMMUNITIES THAT PERSONNEL ON THE DIPLOMATIC LIST DO WITH THE TWO MINOR EXCEPTIONS NOTED IN PARA 2 OF THAT CABLE.

2. DIPLOMATIC PRIVILEGES EXTENDED BY BELGIAN GOVERNMENT ARE CONSISTENT WITH 1961 VIENNA CONVENTION ON DIPLOMATIC RELATIONS. IN PRACTICAL TERMS THIS MEANS: (A) DIPLOMATIC ID CARDS - AND NO REQUIREMENT FOR PERSONNEL TO REGISTER AT THEIR LOCAL COMMUNE; (B) UNLIMITED PURCHASES OF DUTY-FREE
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GASOLINE, LIQUOR AND TOBACCO FROM TAGEWAB. (C) PX AND

COMMISSARY PRIVILEGES; (D) APO PRIVILEGES; (E) TAX EXAMPTIONS AS DESCRIBED PAGE 28 OF JAN 1974 POST REPORT; (F) VISA REQUIREMENT WAIVED; (G) FREE ENTRY PRIVILEGES THROUGHOUT EMPLOYEE'S TOUR OF DUTY, EXCEPT FOR ALCOHOL AND FIREARMS, BUT INCLUDING LOCAL PURCHASES (AUTOS); (H) DOD SCHOOL PRIVILEGES; (I) HOSPITALIZATION IN USG FACILITIES; (J) IMMUNITY FROM BELGIAN CIVIL AND CRIMINAL JURISDICTION EXCEPT IN CASE OF TRAFFIC OFFENSES. INSURANCE IS REQUIRED FOR DRIVERS. (K) EXEMPTION FROM FEES FOR CERTAIN TYPES OF LICENSES REQUIRED FOR DOGS, TV, BICYCLES, HUNTIN AND FISHING.

3. MANY OF THE PRIVILEGES LISTED IN PARA 2 ABOVE ARE AVAILABLE TO ALL USG PERSONNEL STATIONED IN BELGIUM. FOR INSTANCE THE APO AND THE DOD SCHOOL ARE OPEN TO ALL. THERE ARE SIGNIFICANT DIFFERENCES, HOWEVER, ON WHETHER THE LISTED PRIVILEGES ARE AVAILABLE DEPENDING ON THE STATUS OF THE USG EMPLOYEE. FOR INSTANCE, THE SOFA ALONE (WHICH PROVIDES THE STATUS FOR THE U.S. UNIT AT KLEINE BROGEL) DOES NOT NOW PERMIT EXEMPTION FROM ROAD TAX FOR PERSONAL VEHICLES, AND USG PERSONNEL SECONDED TO THE NATO/IS DO NOT BENEFIT FROM UNLIMITED TAX FREE GAS PURCHASES UNDER THE NATO/BELGIAN AGREEMENT.

4. DOLLAR VALUE OF PRIVILEGES IMPOSSIBLE FOR US TO DETERMINE AS THER ARE TOO MANY VARIABLES INVOLVED, INCLUDING SIZE OF FAMILIES, NATURE AND AMOUNT OF THEIR PURCHASES, NUMBER OF CARS, ODGS, TVS, ETC. THEY POSSESS AND THEIR LIFE STYLE.

5. EMBASSY CAREFULLY REVIEWED WITH US F-16 PROGRAM PERSONNEL ALTERNATIVES TO DIPLOMATIC UMBRELLA PRIOR TO MAKING RECOMMENDATION BRUSSELS 6787. ALTERNATIVES INCLUDED: (A) USING SHAPE UMBRELLA; (B) USING SOFA ALONE; (C) ATTACHING TO NATO INTERNATIONAL STAFF; AND (D) MAKING ENTIRELY NEW US-BELGIAN AGREEMENT. AFTER EXPLORING ALL THESE OPTIONS WITH OUR ASSISTANCE, F-16 PROGRAM PERSONNEL THEMSELVES SUGGESTED NON-DIPLOMATIC LIST STATUS. WE AGREED THAT THIS STATUS APPEARED TO US TO OFFER BEST, SIMPLEST, FASTEST AND MOST EQUITABLE SYSTEM POSSIBLE, UNCLASSIFIED

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INCLUDING MOST PRIVILEGES FOR U.S. PERSONNEL CONCERNED. ALL ALTERNATIVES FALL SHORT IN SOME RESPECT OF OUR PROPOSAL, OR CAUSE OTHER PROBLEMS. DEPT MAY WISH TO REFER TO "FINAL REPORT F-16 ESPO SURVEY TEAM, BRUSSELS, BELGIUM, JULY 1975," ESPECIALLY PAGES 5, 6 AND 14, ON BASIS OF WHICH AND DISCUSSIONS CITED WE MADE RECOMMENDATION BRUSSELS 7687. RENNER

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